



MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 21ST NOVEMBER, 2018

At 7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL,

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
4.	<p><u>PLANNING APPLICATIONS (DECISION)</u></p> <p>To consider the Head of Planning's report on planning applications received.</p> <p>Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module at http://www.rbwm.gov.uk/pam/search.jsp.</p>	3 - 26

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD PANEL UPDATE

Maidenhead Panel

Application No.:	18/01269/FULL
Location:	Clean Linen Services 54 Furze Platt Road Maidenhead SL6 7NL
Proposal:	Redevelopment over six blocks to provide 46 x two bedroom flats and 15 x one bedroom flats with new vehicular and pedestrian access, associated parking, landscaping and amenity space following the demolition of the existing industrial buildings.
Applicant:	Ashill Maidenhead Limited
Agent:	Mr Paul Galgey
Parish/Ward:	Maidenhead Unparished/Furze Platt Ward

If you have a question about this report, please contact: Christine Ellera on 01628 795963 or at chrisie.ellera@rbwm.gov.uk

1. SUMMARY

- 1.1 The below highlights additional information submitted by the applicants and clarification in the Officers Report.

It remains recommended that the application is refused for the reasons set out in section 10 of the Officer Report

2. ADDITIONAL INFORMATION

- 2.1 A copy of the information the applicants provided to Members of the Development Panel on the 16.11.2018 was sent to the LPA on the 19.11.18. This set out the applicants view regarding why they consider the proposed development would be acceptable. A copy of this information has been published on the Council's website.
- 2.2 A further letter has been received by the applicants which sets out why they consider the development appropriate. This can be summarised as follows:
- The applicant considers that they have complied with the requirements of the emerging Borough Local Plan regarding loss of employment land and therefore is not premature.
 - The proposed development is making efficient use of previously developed land
 - The proposed development would not affect the continued use of the adjacent industrial area and could be accommodated side by side through utilising noise mitigation technology.
 - The application is a windfall site and therefore the infrastructure has been accounted for as part of the Council's emerging Plan. The re-use of the application site reduces development pressures on the Borough's Green Belt.
 - Proposal provides 20% affordable housing
- 2.3 The Officers assessment and reasons why the proposed development would fail to comply with the adopted development plan, The Borough Local Plan Submissions Versions and the NPPF

(2018) are fully set out within the Officer Report.

- 2.4 There is an error in the Officers report, contained in the description of development paragraph 6.7.14 regarding ecology and biodiversity. The paragraph refers to policies MTC3 and OA3 of the Area Action Plan. These policies are not relevant as they relate to development within Maidenhead Town Centre. Nonetheless this does not affect the assessment and conclusions that (a) there is limited ecological value on the site and (b) biodiversity enhancements can be secured by way of condition.

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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE**

Maidenhead Panel

Application No.:	18/01518/FULL
Location:	157 Grenfell Road Maidenhead SL6 1EZ
Proposal:	12 x 2-bed and 3 x 1-bed flats following demolition of the existing dwelling and associated buildings.
Applicant:	Ashgrove Homes Ltd
Agent:	Miss Susan Pearce
Parish/Ward:	Maidenhead Unparished/Boyn Hill Ward
If you have a question about this report, please contact: Alys Hughes on 01628 796040 or at alys.hughes@rbwm.gov.uk	

1. SUMMARY

- 1.1 A further letter has been received from a neighbour highlighting that the proposed path of runoff water/storm water exceedance is shown in the submitted plan to be running on to their property (2 Kings Grove).**

There is no change to the recommendation in the main report.

Comments from Interested Parties

- 2.2 Additional comments received, summarised as:**

Comment	Officer response	Change to recommendation?
The proposed path of runoff water/storm water exceedance is shown in the submitted plan to be running on to 2 Kings Grove.	The storm water exceedance detail is part of the wider drainage strategy for the site which has been dealt with under section 6.17 of the main report. The Lead Local Flood Authority are the experts in terms of drainage and have concluded that it has not been adequately demonstrated that an appropriate sustainable drainage system is achievable on site.	No change

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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE**

Maidenhead Panel

Application No.:	18/01576/FULL
Location:	Development At King Street And Queen Street And Broadway Maidenhead
Proposal:	Hybrid planning application for the mixed use redevelopment of the site comprising; up to 41,430sq.m GEA residential (Class C3); up to 13,007sq.m GEA office (Class B1) and up to 3,846sq.m GEA flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2), public realm and open space, parking, vehicular access, new servicing arrangements and associated works following the demolition of all buildings on site. Full planning permission for the demolition of all existing buildings on site, site preparation, the construction of three buildings to provide 344 residential homes (Class C3), one building to provide 7,007sq.m GEA of office floorspace (Class B1) and 2,196sq.m GEA of flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2) across four buildings, car and cycle parking, plant and storage, public realm works and landscaping, podium terraces, vehicular access off Broadway, new servicing arrangements and associated works. Outline planning permission (with all matters reserved) is sought for site preparation, the construction of two buildings to provide for up to 1,650sq.m GEA of flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2) and up to 6,000sq.m GEA office floorspace (Class B1) and up to 9,300sq.m GEA residential floorspace (Class C3), basement car parking, cycle parking, plant and storage, public realm works and landscaping, new servicing arrangements and associated works.
Applicant:	Ryger Maidenhead Ltd
Agent:	Mr Tony Gallagher
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Christine Ellera on 01628 795963 or at chrisie.ellera@rbwm.gov.uk	

1. SUMMARY

1.1 The below highlights:

- Final consultation response from the Highway Authority and the Lead Local Flood Authority
- Additional comments received from local residents, and
- Clarification of the Officers Report.

It remains recommended that application is refused for reasons set out in section 10 of the Officer Report

2. ADDITIONAL INFORMATION

- 2.1** Consultation responses have now been received from the Highway Authority and the Lead Local Flood Authority following the additional information submitted by the applicants on the 18.10.2018. Both statutory consultees raise no objection subject to conditions.

- 2.2 A late letter has been received from the Maidenhead and Cox Green Neighbouring Plan Steering group. It is not considered that this raises matters which have not already been considered as part of the Officer Report. Comments made can be summarised as follows:
- The introduction of city scale development is wholly inappropriate within the town of Maidenhead.
 - The proposed development would be over dominant and affect neighbouring properties and the wider streetscape.
 - The parking provision of this application is inadequate and will impinge on the ability of the town's revitalisation due to displaced parking from the proposal impacting town visitor facilities.
 - The dormitory nature of this development provides little benefit to the rejuvenation of Maidenhead and increases demand on transportation in an outward direction, hardly conducive with local sustainability.
 - This proposal's insufficient affordable housing provision
 - Whilst it is recognised that tall buildings of exceptional design and quality may be acceptable in limited circumstances, the monolithic aspect created by this proposal does not fit this criteria.
 - The height of the proposal is 100% taller than the average height of recent development (proposed and built). It is suggested that an approval of this application would require a fundamental abandonment of the majority of strategic policies for Maidenhead town due to a contrary city development precedent being set.
- 2.3 There is an error in the Officers report, contained in the description of development (paragraph 4.7- 4.9). Members have been advised of this in an email from the Case Officer dated the 16.11.2018.
- 2.4 The buildings facing Broadway, knowns as building A, B and D, have been reduced in height since the initial submission. These buildings were proposed to be up to a height of 16 storeys, 19, storeys and 16 storeys respectively. During the consideration of the application and following concerns raised by Officers, the applicants reduced the height of the proposed buildings. The amendments resulted in proposed buildings A and D being reduced to up to 15 storeys (approx. 53m in height) however as amendments were also made to individual floor to ceiling heights this only resulted in a 1m reduction in height from that previously proposed.
- 2.5 Proposed building B remains the tallest element at 16 storeys (approx. 56m in height). This is the building which has been reduced in height from 19 storeys, again as internal floor to ceiling heights have been increased this would result in only a 7m reduction in height
- 2.6 The last sentence of para 4.8 states that it was building D which was proposed to be 19 storey in height has been reduced to 16. This is incorrect it is block B, the last sentence to paragraph 4.8 actually should be at the end of paragraph 4.7. Similarly no amendments have been proposed to Building C which is the office building. Effectively the last sentence in paragraph 4.9 should be at the end of para 4.8.
- 2.7 Reference to the Area Action Plan (AAP) in paragraph 7.11.4 should be to the 2011 document and not 2018.

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE**

Maidenhead Panel

Application No.:	18/02105/FULL
Location:	Temporary RBWM Car Park Vicous Way Maidenhead
Proposal:	Erection of five storey split-deck multi-storey car park with access and associated landscaping following removal of existing slab and hardstanding (Regulation 3 application)
Applicant:	The Royal Borough of Windsor And Maidenhead
Agent:	Mr Matthew Blythin
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

1.1 Additional information has been submitted in respect of:

- Transport
- Flood Risk Assessment
- Tree Protection measures
- Crime Prevention measures
- Car Park Management Plan

1.2 A 14 day consultation has been undertaken today. It is recommended that following this 14 day consultation, if no new significant planning issues are raised, and the Lead Local Flood Authority are satisfied with the proposed drainage, that the application is approved.

It is recommended the Panel authorises the Head Planning to grant planning permission, following a consultation of 14 days on additional information, provided no new significant planning issues are raised in this time.

2. ADDITIONAL INFORMATION

Transport

- 2.1** New traffic surveys were agreed to be carried out on Tuesday 6th and Wednesday 7th October 2018 at Stafferton Way / Vicous Way mini roundabout and Stafferton Way car park / Stafferton Way priority junction to ascertain 2018 levels of traffic, congestion and delays.
- 2.2** From the 2018 traffic flows at these sites, WSP has estimated, using the RBWMHM2 model, the forecast 2032 traffic flows. Based on these traffic flows, Robert West has then reviewed the 'Baseline - Year 2032' ARCADY models for the Stafferton Way / Vicous Way mini-roundabout. As suggested by Project Centre, Robert West has also produced 2018 ARCADY models for the Stafferton Way / Vicous Way mini-roundabout which have been validated against the 2018 queue lengths data. The results are set out below.

MODELLING ASSESSMENT- BRAYWICK ROAD / STAFFERTON WAY / RUSHINGTON AVENUE ROUNDABOUT- RESULTS

'Baseline - Year 2032': The results of the revised 2032 Baseline model indicate that the roundabout is predicted to operate within capacity during the assessed peak hours. All approaching lanes are predicted to operate well below the Ratio of Flow to Capacity (RFC) threshold of 0.85. The AM scenario illustrates that Braywick Road (south) is the most sensitive approaching lane and would operate close to capacity (RFC = 0.83 and QL = 4.8 PCUs ~ 28 metres).

'With Development - Year 2032': The modelling of the 'With Development – Year 2032' scenario has revealed that the Braywick Road roundabout is predicted to operate slightly above the practical capacity threshold. Increased RFC values have been predicted on all approaching lanes with the most critical RFC value (0.90) occurring on Braywick Road (south) during the AM peak in the 2032 With Development model. Therefore, the queue length on this approach is predicted to increase from 4.8 PCUs (28 metres) to 8.1 PCUs (47 metres) during the morning peak hour. This increased queue length does not have impact on the surrounding junctions.

STAFFERTON WAY / VICUS WAY MINI-ROUNDABOUT RESULTS

Results: '2018 Scenario': The modelling results of the 2018 base scenario suggest that the mini-roundabout currently operates within capacity with the highest RFC value (0.63) observed on Stafferton Way (East) during the PM peak hour. Tables 4.2 and 4.5 contained in the revised TA show a good comparison of the modelled queue results against the observed queue values.

Results: 'Baseline - Year 2032': During the assessed peak hours, the Stafferton Way mini-roundabout is predicted to operate below the practical capacity threshold (0.85) with spare capacity. The highest RFC (RFC = 0.76) is predicted on Stafferton Way (west) arm in the PM peak hour with a predicted QL value of 3.1 PCUs (~ 18 metres).

•Results: 'With Development - Year 2032': With the development traffic flows, the proposed mini-roundabout would operate within capacity with the highest RFC (0.80) on Stafferton Way (west) in the morning peak. The correlated QL value predicted for this arm is 4 PCUs (~23 meters) which is lower than the distance between the assessed mini-roundabout and the Stafferton Way car park / Stafferton Way priority junction (approximately 30 metres).

Flood Risk Assessment

An updated Flood Risk Assessment has been submitted. The Flood Risk Assessment confirms that the ground floor level of the car park will be raised above the 1 in 100 year plus climate change allowance flood event. The applicant has confirmed that there is a low hazard escape route in a 1 in 100 year plus climate change flood event, and an addendum to the FRA confirming this will follow.

Tree Protection

The applicant has confirmed that although the cabins are within the rooting area of G7, this area is currently covered in tarmac which will be retained as ground protection during the building works. In addition, the front of the cabins are to be placed on horizontal sleepers placed directly on the existing tarmac which will be used to create a level surface. Paragraph 3.6 of the AMS has been updated to reflect this. It will be possible to use the area for site cabins without any short or long term impact on the trees' health. On completion of the build, once the cabins are removed from site the tarmac is to be lifted and the area restored to soft landscaping to the benefit of tree health. The Council's Tree Officer has advised that they are satisfied with this approach. A planning condition can be imposed to secure this tree protection detail.

Construction Environmental Management Plan

Further detail has been provided, and advice is being sought from Environmental Protection as to whether this is acceptable. It should be noted that this information is not necessary before the grant of planning permission, and the detail could be secured by planning condition.

Crime Prevention/Security Measures

An updated Car Park Management Plan has been received which details the Security Measures for the Car Park, these are summarised as:

- The car park will be operational between the hours of 5am and 8pm. The entrance to the car park will be closed at 8pm and directional control provisions will allow cars to exit the car park should any vehicle remain in the car park after 8pm. The gate will be automated and locked shut at 8pm each day, opening at 5am. The directional flow provisions will take the form of flow plates (i.e. causing damage to any car that tries to enter via the exit).
- Both stairwells will have open balustrades allowing good visibility on approach to and from landing areas and vandal resistant mirrors will be installed at stair turns to assist with natural surveillance. CCTV will be installed in the stair wells and also on the floor plates to cover pay machines.

Officer response: It is recommended that a condition is imposed to ensure the car park is operated in accordance with this management plan.

Sustainable Drainage (SUDS)

The Lead Local Flood Authority required further clarification over the SUDS strategy. The applicant is aware, and is working to address this. The LLFA would need to confirm they do not object before a grant of planning permission is issued.

Comments from Interested Parties

2.1 A petition has been lodged with Democratic Services which has 152 signatures, objecting to the application for the following reasons:

- A third car park so close to a residential area will add to the existing issues from antisocial behavior originating from the existing car parks in the area. This will make the area a more dangerous place to live in.
- The air pollution in the area will increase, having a negative impact on the residents' health.
- The surrounding roads will become more dangerous for pedestrians and will not cope with the additional traffic, especially as there is a recycling centre next door and hundreds of new residential dwellings on Vicus Way.
- The noise in the area will increase and will exist 24 hours a day. This will impact on the residents' lives, health and ability to function properly. Young children need to sleep early, adults need to rest so that they can work the next day.
- RBWM has already permitted the erection of hundreds new residential dwellings in Vicus Way. A residential area does not mix well with a multi storey car park so close.
- It will make the area look aesthetically ugly, noisy and over polluted

2.2 1 additional letter of objection was received, and further comments were provided by persons who have already objected. Many of the points have been previously reported, new comments are summarised below.

Comment	Officer response	Change to recommendation?
The Vicus Way plot is owned by the Council and yes	This application must be	No

it is available at the moment, but that doesn't make it a suitable spot for such a big development.	considered against development plans policies.	
It is the responsibility of the Planning department not to allow this car park to be erected at this location because it will cause a real risk of injury to pedestrians, drivers and cyclists.	These matters have been considered.	No
Pollution and noise will increase from new traffic and more importantly from stationary cars, due to gridlocks on the road, having a negative impact on residents' Lives and Health	Addressed in main report.	No
Security, Behaviour and Disturbance issues relating to car park. Crime and anti-social behaviour in the area will increase and will adversely impact on residents.	Car Park Management Plan has been amended to address these concerns.	No
The Flooding report recommends that the application is refused	The LLFA advise further information/clarification is needed before they can remove their objection.	No
The Daylight Assessment shows incorrect and misleading information. Specifically the photos in the assessment do not show 1 Greenfield as it is today. There are 2 side windows facing Vicus Way.	Noted, however, the side facing windows referred to do not serve habitable rooms, and are not afforded the same protection in respect of light.	No
Light Pollution coming from the Car park, into our windows 24/7.	Details of the external lighting can be secured by planning condition.	No
The application contravenes both the current planning policy and the submitted Borough Local Plan.	Addressed in main report.	No
Policy OA6 of the Maidenhead Area Action Plan allocates land north of Stafferton Way for a multi storey car park. This was a reasonable site when the Plan was consulted on and approved, so what has changed? The land may not be in the Council's ownership but what efforts have they made to negotiate for its purchase or to use, if necessary, Compulsory Purchase powers?	This application must be considered on its merits.	No
Where is the additional information that was requested at the last Panel meeting, and why have residents not been consulted on it.	Additional information has been received, neighbours and contributors will be given 14 days to comment on this information.	No

Too much money is being spent on this project.	Not a relevant planning consideration.	No
The development has been described as a "Temporary Car Park" in All correspondence to residents, even the latest letter to residents dated 12 November 2018 , as well as on the on-line planning application on the Council's website. This is entirely misleading, and the consultation has not been properly carried out. This can give a reason for a complaint to the Local Government Ombudsman	The site address was described as temporary, not the description of the application.	No
The report says that the application was reported to the September meeting of the Panel. This is inaccurate, as it was the October meeting (24 th October 2018)	Noted. It was reported to October Panel.	No
Where is the report which shows the need for the extra car parking spaces?	Such a report was not submitted with this application	No
There is evidence that parking usage in Maidenhead is down.	This application has to be considered on its merits	No

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE**

Maidenhead Panel

Application No.:	18/02254/FULL
Location:	Equestrian Site Hardings Farm Hills Lane Cookham Maidenhead
Proposal:	Two detached dwellings following demolition of existing stables and equestrian storage buildings
Applicant:	Mr & Mrs Richards
Agent:	Miss Stefania Petrosino
Parish/Ward:	Cookham Parish/Bisham And Cookham Ward
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 An appeal decision for the 3 dwelling scheme at the site (LPA reference 17/00619) was made on the 13th November. The appeal was dismissed, as the Inspector concluded that the scheme would have a greater impact on the openness of the Green Belt than the existing development and as such was inappropriate development. This appeal decision is a material consideration of significant weight in the determination of this application. On reading the conclusions made by the Inspector, it is not considered that this current scheme overcomes the concerns that the Inspector raised in respect of the harm to the Green Belt, and as such the recommendation for this 2 dwelling scheme is for refusal.

The recommendation in the main report is changed to a recommendation for Panel to refuse planning permission for the reason set out in Section 3 of this Update report.

2. ADDITIONAL INFORMATION

- 2.1 Since the writing of the main report, the Appeal decision for the 3 dwelling scheme has been dismissed by the Planning Inspector on grounds of harm to the Green Belt. This appeal decision is a material consideration of significant weight to the determination of this application.
- 2.2 The Appeal decision is appended to this Update report for ease of reference. Key conclusions made by the Inspector on the 3 dwelling scheme are summarised below:
- The proposed houses would have a ridge line similar or slightly lower than the existing single storey buildings. However, to achieve this, the proposals include a significant regrading of the site to lower the ground levels. Therefore, whilst the regrading works would allow for the proposed houses to not be materially higher than the existing buildings, this does not address the fact that the houses would be substantially taller than most of the existing buildings when measured from their base to the ridgeline of the roof. The proposed houses would be taller and more prominent compared to the existing low profile buildings. This would have a significant visual effect in diminishing the openness of the site.

- The proposed dwellings would introduce a level of domestic formality to the site, which currently appears as a typical collection of rural buildings, which are common in the countryside. There would also be the domestic paraphernalia and urban features. This would detract from the openness of the site to a greater extent than the less formal collection of structures currently present within this rural area.
- Overall, in considering both spatial and visual terms, the proposal would have a greater impact on the openness of the Green Belt than the existing development.

2.3 In this current application, the excavation proposed to the ground levels to accommodate the 2 proposed dwellings is similar to that proposed in the scheme that was dismissed. In addition the height of the 2 proposed dwellings are similar to the height of the dwellings as in the dismissed scheme. Although this application proposes less built development than in the dismissed scheme, it does not overcome the concerns raised by the Inspector in respect of the extent of excavation to ground levels proposed, the height of the dwellings, and the formal features that would be introduced in association with this residential development. It is considered that the proposed development would have a greater impact on the openness of the Green Belt than the existing development on site, and as such is inappropriate development in the Green Belt. It is also considered that the proposed development would have a significant impact on the openness of the Green Belt. On this basis, the application is recommended for refusal on the harm that it would cause to the Green Belt.

Comments from Interested Parties

2.2 Cookham Society comment that:

The NPPF tells us quite clearly, redevelopment of brown field sites in the Green Belt is inappropriate if it will have a greater impact on the openness of the Green Belt than the existing development. The existing buildings here are single storey and they blend into the sloping hillside. The proposed houses have two storeys and would stick out from their surroundings. Because of the location of the site on a hillside the proposed houses will be highly visible from a wide area including public roads and footpaths. The proposed houses will have a much higher detrimental impact on the openness of the Green Belt than the existing stables.

We accept the proposed development may reduce the footprint and volume of buildings on the site. However, what really matters is what is seen from a distance. What is seen is the elevations on the downhill side. Both proposed houses are in excess of 6.0m high. Much taller than the buildings they replace. In addition, most of the existing trees on the downhill side will be removed. Proposed planting on the downhill side of the site is likely to be degraded over time as owners try to retain views in this direction.

We are particularly concerned regarding the extensive excavation, up to 3.0m deep that is proposed here in order to form a wide low level platform on which to build taller houses within a given ridge level. It produces more intrusive buildings and damages the openness of the area. Wider adoption of this practice could have an alarming effect on the rural landscape of Cookham Dean.

This application claims to have addressed the issues that caused the refusal of the earlier application (17/00619). In our view it has failed to adequately address these issues and should therefore be refused.

Officer response: This is addressed in this Update report.

3. RECOMMENDED REASONS FOR REFUSAL

3.1 The scheme, owing to the extent of the proposed excavation, the scale of the buildings, and the resultant domestic formality associated with this proposed residential development, would have a greater impact on the openness of the Green Belt than the existing development. The scheme

therefore constitutes inappropriate development in the Green Belt, which is by definition harmful to the Green Belt, contrary to paragraphs 143, 144 and 145 of the National Planning Policy Framework (2018) and policies SP1 and SP5 of the Borough Local Plan Submission Version.

Appeal Decision

Site visit made on 9 October 2018

by Steven Rennie BA (Hons) BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2018

Appeal Ref: APP/T0355/W/18/3203626

Equestrian Site, Hardings Farm, Hills Lane, Cookham, Maidenhead, Berkshire SL6 9NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Richards against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 17/00619, dated 7 November 2016, was refused by notice dated 29 November 2017.
 - The development proposed is the residential redevelopment of the equestrian site to provide 3no detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on the 24 July 2018 and replaces the first Framework published in March 2012. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect of the proposal on the character and appearance of the area.
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

4. The Framework identifies that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, unless it is one of a number of exceptions as set out in paragraph 145. One of the exceptions is the limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt. As there are existing buildings on the site that are of equine use then this can be regarded as previously developed land.
5. The Council did not include adopted Local Plan policies in their reasons for refusal. The Council have referred to policies SP1 (Spatial Strategy), SP2 (Sustainability and Placemaking), SP3 (Character and Design of New Development), and SP5 (Development in the Green Belt) of their emerging plan in their statement, though do not rely upon them in the reason for refusal. In any case I can give them little weight as they are not adopted. Against this background I have primarily assessed the scheme against the Framework on the matter of the effect on the Green Belt.
6. From the evidence provided the proposed houses would have lesser volume and footprint than the existing buildings on site. They would also have a less of a floor area. However, in considering the spatial element of openness there is also the issue of height. Currently the existing buildings are low profile and therefore are not prominent when viewed from the wider area.
7. As explained in the submitted information and the overlaid section drawings provided by the appellant, the proposed 'one and a half' storey houses would have a ridge line similar or slightly lower than the existing single storey buildings. However, to achieve this, the proposals include a significant regrading of the site to lower the ground levels.
8. Therefore, whilst the regrading works would allow for the proposed houses to not be materially higher than the existing buildings, this does not address the fact that the houses of either 6.5m or 6.85m would be substantially taller than most of the existing buildings when measured from their base to the ridgeline of the roof. If developed as proposed, once the new ground level was established, the proposed houses would be taller and more prominent compared to the existing low profile buildings. This would have a significant visual effect in diminishing the openness of the site.
9. Furthermore, the proposed dwellings would introduce a level of domestic formality to the site, which currently appears as a typical collection of rural buildings, which are common in the countryside. There would also be the domestic paraphernalia and urban features of formal gardens, parking areas, refuse collection areas, for example. This would detract from the openness of the site to a greater extent than the less formal collection of structures currently present within this rural area.
10. I accept that there would be some screening of the site through either existing or proposed landscaping, but there would still remain views of the site and the

proposed development from various vantage points. As such, this would do little to preserve the openness of the site from the effects described above.

11. Overall, in considering both spatial and visual terms, the proposal would have a greater impact on the openness of the Green Belt than the existing development. In doing so the development would not comply with the fundamental aim of keeping the Green Belt permanently open and would not benefit from the exemption of Green Belt development under paragraph 145 of the Framework with regards to previously developed land. The proposal is therefore inappropriate development in the Green Belt, and as such conflicts with the Framework.

Effect on character and appearance

12. The proposal would introduce a formal residential development with associated domestic paraphilia and lighting at this site, which currently is occupied by typical low profile rural type buildings.
13. However, the proposed development would be at a low density, with only three houses proposed within this spacious site and the lighting is not necessarily going to be at the extent that would result in a significant visual impact. The houses are also designed to reflect some of the other nearby houses in this largely rural area, and they have low eaves levels with 'crown roofs' incorporated to keep the overall height down.
14. In terms of the change in levels, whilst this would result in a significant alteration to the site it would not be particularly noticeable or prominent from the wider landscape, especially as the proposed slope would not be particularly steep.
15. There would be some trees and other vegetation to be removed, but from the plans submitted the majority of trees are to remain. From my observations on site and from the evidence before me the trees to be removed are not of any particular significance. Some landscaping has been indicated and the appellant has also suggested that they would welcome a landscaping condition if permission were to be given. I regard this as sufficient to address the effect of the loss of trees at the site.
16. Consequently whilst the development would be particularly visible from the east, as the site is more open to this boundary, the development is of modest scale and so would not be unduly prominent in the rural landscape.
17. Overall, whilst I have found in the section above that the proposed development would lead to a loss of openness, I do not regard the three houses to have a harmful effect to the character and appearance of the area. In this regard the proposal would be in accordance with policies H10 and DG1 (Point 11) of The Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) and relevant sections of the Framework. These policies seek to, amongst other things, ensure development does not cause harm to the character and appearance of an area and provide high standards of design and landscaping.

Other Considerations

18. The Council have stated it can demonstrate a sufficient housing land supply. However, this is contested by the appellant. In any event, paragraph 11 of the Framework states that planning permission should be granted unless specific policies in the Framework, including policies relating to Green Belt, indicate the development should be restricted. As I have already found that the Framework policies relating to Green Belt indicate that development should be restricted, the presumption in favour of sustainable development does not apply to this appeal. Nevertheless, the proposal would contribute three new dwellings. Whilst this is beneficial in provision of new homes, this would be a relatively small scale development and therefore I give this matter only modest weight.
19. The proposal would be able to include new landscaping and also potentially some biodiversity enhancements. However the benefits of these would be limited within a relatively small site for a residential development.
20. The appellant states that the dwellings would be of an attractive design that reflects their rural setting and would be discreet in the landscape. However, I do not find the existing development on site to be particularly prominent or of an appearance that is to the detriment of the character of the area. I do though note the alterations to the access, but I have no evidence to suggest there are issues with the existing access to serve the equestrian complex. I therefore give these matters limited weight.
21. The site is near to the boundary of the Cookham Dean Conservation Area. I note that, notwithstanding its wider objections, the Council has not concluded that there would be any harm to the Conservation Area or its setting arising from the proposed development. Having regards to the advice contained within the Framework I see no reason to disagree with this view and do not consider that the scheme would harm the setting of the heritage asset.

Other matters

I acknowledge that the proposals were submitted after a pre-application enquiry. However, this would have been informal comments and does not bind the Council to any decision. Furthermore, I am also aware that the Council's Planning Officer recommended approval for the development, but it is the right of the Planning Committee to come to their own decision

Conclusions

22. In conclusion, whilst I have not found harm in the effect to the character and appearance of the area, I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework as it would reduce the openness at the site. This would, by definition, be harmful to the Green Belt. Such harm, the Framework indicates, should be given substantial weight.
23. As explained above I give only limited or modest weight to each of the material considerations cited in support of the proposal and conclude that, taken together and having regard to the letters of support for the development, they do not outweigh the harm the scheme would cause.
24. Consequently, there are no very special circumstances necessary to justify inappropriate development in the Green Belt. For the above reasons, and

having regard to all other matters raised, I conclude that the scheme should be dismissed.

Steven Rennie

INSPECTOR

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE**

Maidenhead Panel

Application No.:	18/02289/FULL
Location:	Land To The West of Mullberry Coningsby Lane Fifield Maidenhead
Proposal:	Change of use of the land to joint agricultural and equestrian use.
Applicant:	Mrs Kendall Smith
Agent:	Tom McArdle
Parish/Ward:	Bray Parish/Bray Ward
If you have a question about this report, please contact: Alys Hughes on 01628 796040 or at alys.hughes@rbwm.gov.uk	

1. SUMMARY

1.1 A further letter received by a neighbour.

There is no change to the recommendation in the main report.

Comments from Interested Parties

2.2 Additional comments received, summarised as:

Comment	Officer response	Change to recommendation?
Historically, horses have been kept on the land during spring/summer season, but the land was not occupied continuously by horses. Previous owner did not run a livery business, the primary business was livestock farming.	The proposal is for the change of use from agriculture to mixed agriculture and equestrian. It is therefore accepted that the existing use of the land is agriculture.	No change

2.3 Following receipt of the above additional comments, the applicant's agent has responded stating that horses have grazed the land outside of summer months and that the land has been historically well stocked with horses and cattle and historically grazed at all times of the year.

